

CERTIFICATION OF ENROLLMENT

**ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1549**

Chapter 63, Laws of 2025

69th Legislature  
2025 Regular Session

PUBLIC WORKS PROJECTS—RESPONSIBLE BIDDER CRITERIA—MODIFICATION

EFFECTIVE DATE: July 1, 2026—Except for section 2, which takes effect July 1, 2027.

Passed by the House March 10, 2025  
Yeas 95 Nays 0

LAURIE JINKINS

**Speaker of the House of  
Representatives**

Passed by the Senate April 7, 2025  
Yeas 48 Nays 1

DENNY HECK

**President of the Senate**

Approved April 16, 2025 10:43 AM

BOB FERGUSON

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1549** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

**Chief Clerk**

FILED

April 16, 2025

**Secretary of State  
State of Washington**

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**ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1549**

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Passed Legislature - 2025 Regular Session

**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** House Capital Budget (originally sponsored by Representatives Fosse, Obras, Berry, Reed, Goodman, Stearns, Parshley, Callan, Salahuddin, Taylor, Ormsby, Peterson, Pollet, Scott, Macri, and Hill)

READ FIRST TIME 02/27/25.

1 AN ACT Relating to modifying the responsible bidder criteria for  
2 public works projects; amending RCW 39.04.350 and 39.04.350;  
3 providing effective dates; and providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 39.04.350 and 2023 c 88 s 1 are each amended to read  
6 as follows:

7 (1) Before award of a public works contract, a bidder must meet  
8 the following responsibility criteria to be considered a responsible  
9 bidder and qualified to be awarded a public works project. The bidder  
10 must:

11 (a) At the time of bid submittal, have a certificate of  
12 registration in compliance with chapter 18.27 RCW, a plumbing  
13 contractor license in compliance with chapter 18.106 RCW, an elevator  
14 contractor license in compliance with chapter 70.87 RCW, or an  
15 electrical contractor license in compliance with chapter 19.28 RCW,  
16 as required under the provisions of those chapters;

17 (b) Have a current state unified business identifier number;

18 (c) If applicable, have industrial insurance coverage for the  
19 bidder's employees working in Washington as required in Title 51 RCW;  
20 an employment security department number as required in Title 50 RCW;

1 and a state excise tax registration number as required in Title 82  
2 RCW;

3 (d) Not be disqualified from bidding on any public works contract  
4 under RCW 39.06.010 or 39.12.065(3);

5 (e) If bidding on a public works project subject to the  
6 apprenticeship utilization requirements in RCW 39.04.320, not have  
7 been found out of compliance by the Washington state apprenticeship  
8 and training council for working apprentices out of ratio, without  
9 appropriate supervision, or outside their approved work processes as  
10 outlined in their standards of apprenticeship under chapter 49.04 RCW  
11 for the one-year period immediately preceding the date of the bid  
12 solicitation;

13 (f) Have received training on the requirements related to public  
14 works and prevailing wage under this chapter and chapter 39.12 RCW.  
15 The bidder must designate a person or persons to be trained on these  
16 requirements. The training must be provided by the department of  
17 labor and industries or by a training provider whose curriculum is  
18 approved by the department. The department, in consultation with the  
19 prevailing wage advisory committee, must determine the length of the  
20 training. Bidders that have completed three or more public works  
21 projects and have had a valid business license in Washington for  
22 three or more years are exempt from this subsection. The department  
23 of labor and industries must keep records of entities that have  
24 satisfied the training requirement or are exempt and make the records  
25 available on its website. Responsible parties may rely on the records  
26 made available by the department regarding satisfaction of the  
27 training requirement or exemption; and

28 (g) Within the three-year period immediately preceding the date  
29 of the bid solicitation, not have been determined by a final and  
30 binding citation and notice of assessment issued by the department of  
31 labor and industries or through a civil judgment entered by a court  
32 of limited or general jurisdiction to have willfully violated, as  
33 defined in RCW 49.48.082, any provision of chapter 49.46, 49.48, or  
34 49.52 RCW.

35 (2) Before award of a public works contract, a bidder shall  
36 submit to the contracting agency a signed statement in accordance  
37 with chapter 5.50 RCW verifying under penalty of perjury that the  
38 bidder is in compliance with the responsible bidder criteria  
39 requirement of subsection (1)(g) of this section. A contracting

1 agency may award a contract in reasonable reliance upon such a sworn  
2 statement.

3 (3)(a) In addition to the bidder responsibility criteria in  
4 subsection (1) of this section, for a project subject to apprentice  
5 utilization requirements under RCW 39.04.320, the bidder shall submit  
6 an apprentice utilization plan to the awarding agency before  
7 receiving the notice to proceed. A contracting agency may exempt a  
8 bidder from the requirements of this subsection if the bidder met or  
9 exceeded apprentice utilization requirements on the last public works  
10 project the bidder completed. Contracting agencies may rely on  
11 records made available by the department of labor and industries to  
12 determine whether a bidder is eligible for the exemption in this  
13 subsection.

14 (b) The department of labor and industries shall develop an  
15 apprentice utilization plan template and make the template available  
16 to awarding agencies and bidders. The plan template must include, at  
17 minimum: The projected start and end dates of the project; estimated  
18 total work hours; estimated apprentice hours by apprenticeable  
19 occupation; list of state registered apprenticeship programs to be  
20 contacted; and list of estimated apprenticeship training agents or  
21 sponsors on the project. The plan template must also include  
22 educational material on apprentice utilization requirements,  
23 including how to access apprentices and contact apprenticeship  
24 programs and where to find additional and relevant resources. The  
25 department may approve the use of a template developed by an awarding  
26 agency if it meets the minimum requirements of this subsection.

27 (c) The department of labor and industries shall publish  
28 completed apprentice utilization plans on its website.

29 (4) In addition to the bidder responsibility criteria in  
30 subsection (1) of this section, the state or municipality may adopt  
31 relevant supplemental criteria for determining bidder responsibility  
32 applicable to a particular project which the bidder must meet.

33 (a) Supplemental criteria for determining bidder responsibility,  
34 including the basis for evaluation and the deadline for appealing a  
35 determination that a bidder is not responsible, must be provided in  
36 the invitation to bid or bidding documents.

37 (b) In a timely manner before the bid submittal deadline, a  
38 potential bidder may request that the state or municipality modify  
39 the supplemental criteria. The state or municipality must evaluate  
40 the information submitted by the potential bidder and respond before

1 the bid submittal deadline. If the evaluation results in a change of  
2 the criteria, the state or municipality must issue an addendum to the  
3 bidding documents identifying the new criteria.

4 (c) If the bidder fails to supply information requested  
5 concerning responsibility within the time and manner specified in the  
6 bid documents, the state or municipality may base its determination  
7 of responsibility upon any available information related to the  
8 supplemental criteria or may find the bidder not responsible.

9 (d) If the state or municipality determines a bidder to be not  
10 responsible, the state or municipality must provide, in writing, the  
11 reasons for the determination. The bidder may appeal the  
12 determination within the time period specified in the bidding  
13 documents by presenting additional information to the state or  
14 municipality. The state or municipality must consider the additional  
15 information before issuing its final determination. If the final  
16 determination affirms that the bidder is not responsible, the state  
17 or municipality may not execute a contract with any other bidder  
18 until two business days after the bidder determined to be not  
19 responsible has received the final determination.

20 (e) If the bidder has a history of receiving monetary penalties  
21 for not achieving the apprentice utilization requirements pursuant to  
22 RCW 39.04.320, or is habitual in utilizing the good faith effort  
23 exception process, the bidder must submit an apprenticeship  
24 utilization plan within ten business days immediately following the  
25 notice to proceed date.

26 ~~((4))~~ (5) The capital projects advisory review board created in  
27 RCW 39.10.220 shall develop suggested guidelines to assist the state  
28 and municipalities in developing supplemental bidder responsibility  
29 criteria. The guidelines must be posted on the board's website.

30 **Sec. 2.** RCW 39.04.350 and 2023 c 88 s 1 are each amended to read  
31 as follows:

32 (1) Before award of a public works contract, a bidder must meet  
33 the following responsibility criteria to be considered a responsible  
34 bidder and qualified to be awarded a public works project. The bidder  
35 must:

36 (a) At the time of bid submittal, have a certificate of  
37 registration in compliance with chapter 18.27 RCW, a plumbing  
38 contractor license in compliance with chapter 18.106 RCW, an elevator  
39 contractor license in compliance with chapter 70.87 RCW, or an

1 electrical contractor license in compliance with chapter 19.28 RCW,  
2 as required under the provisions of those chapters;

3 (b) Have a current state unified business identifier number;

4 (c) If applicable, have industrial insurance coverage for the  
5 bidder's employees working in Washington as required in Title 51 RCW;  
6 an employment security department number as required in Title 50 RCW;  
7 and a state excise tax registration number as required in Title 82  
8 RCW;

9 (d) Not be disqualified from bidding on any public works contract  
10 under RCW 39.06.010 or 39.12.065(3);

11 (e) If bidding on a public works project subject to the  
12 (~~apprenticeship~~) apprentice utilization requirements in RCW  
13 39.04.320, not have been found out of compliance by the Washington  
14 state apprenticeship and training council for working apprentices out  
15 of ratio, without appropriate supervision, or outside their approved  
16 work processes as outlined in their standards of apprenticeship under  
17 chapter 49.04 RCW for the one-year period immediately preceding the  
18 date of the bid solicitation;

19 (f) (i) Have completed at least one public works project within  
20 the previous three years and have not received a citation for a  
21 violation of this chapter, chapter 39.12 RCW, or those provided in  
22 RCW 39.12.055 (1) through (3) during that same time period; or (ii)  
23 have at least one designated person who is a current employee or  
24 officer and who has received training on the requirements related to  
25 public works and prevailing wage under this chapter and chapter 39.12  
26 RCW (~~(. The bidder must designate a person or persons to be trained on~~  
27 ~~these requirements)) within the previous three years. The training  
28 must be provided by the department of labor and industries or by a  
29 training provider whose curriculum is approved by the department. The  
30 department, in consultation with the prevailing wage advisory  
31 committee, must determine the length of the training. (~~Bidders that~~  
32 ~~have completed three or more public works projects and have had a~~  
33 ~~valid business license in Washington for three or more years are~~  
34 ~~exempt from this subsection.)) The department of labor and industries  
35 must keep records of (~~entities~~) persons that have (~~satisfied~~)  
36 completed the training (~~requirement or are exempt~~) in the previous  
37 three years and make the records available on its website.  
38 Responsible parties may rely on the records made available by the  
39 department (~~regarding satisfaction of the training requirement or~~  
40 ~~exemption~~); and~~~~

1 (g) Within the three-year period immediately preceding the date  
2 of the bid solicitation, not have been determined by a final and  
3 binding citation and notice of assessment issued by the department of  
4 labor and industries or through a civil judgment entered by a court  
5 of limited or general jurisdiction to have willfully violated, as  
6 defined in RCW 49.48.082, any provision of chapter 49.46, 49.48, or  
7 49.52 RCW.

8 (2)(a) The department of labor and industries shall publish on  
9 its website available information in order for contracting agencies  
10 to verify the status of a bidder's compliance with each of the  
11 criteria under subsection (1)(a) through (f) of this section.

12 (b) Before award of a public works contract, a bidder shall  
13 submit to the contracting agency a signed statement in accordance  
14 with chapter 5.50 RCW verifying under penalty of perjury that the  
15 bidder is in compliance with the responsible bidder criteria  
16 requirement of subsection (1)(g) of this section. A contracting  
17 agency may (~~award a contract in reasonable reliance~~) reasonably  
18 rely upon such a sworn statement. The contracting agency shall verify  
19 that the bidder meets the remaining criteria in subsection (1) of  
20 this section through publicly available information on the department  
21 of labor and industries' website.

22 (3)(a) In addition to the bidder responsibility criteria in  
23 subsection (1) of this section, for a project subject to apprentice  
24 utilization requirements under RCW 39.04.320, the bidder shall submit  
25 an apprentice utilization plan to the awarding agency before  
26 receiving the notice to proceed. A contracting agency may exempt a  
27 bidder from the requirements of this subsection if the bidder met or  
28 exceeded apprentice utilization requirements on the last public works  
29 project the bidder completed. Contracting agencies may rely on  
30 records made available by the department of labor and industries to  
31 determine whether a bidder is eligible for the exemption in this  
32 subsection.

33 (b) The department of labor and industries shall develop an  
34 apprentice utilization plan template and make the template available  
35 to awarding agencies and bidders. The plan template must include, at  
36 minimum: The projected start and end dates of the project; estimated  
37 total work hours; estimated apprentice hours by apprenticeable  
38 occupation; list of state registered apprenticeship programs to be  
39 contacted; and list of estimated apprenticeship training agents or  
40 sponsors on the project. The plan template must also include

1 educational material on apprentice utilization requirements,  
2 including how to access apprentices and contact apprenticeship  
3 programs and where to find additional and relevant resources. The  
4 department may approve the use of a template developed by an awarding  
5 agency if it meets the minimum requirements of this subsection.

6 (c) The department of labor and industries shall publish  
7 completed apprentice utilization plans on its website.

8 (4) In addition to the bidder responsibility criteria in  
9 subsection (1) of this section, the state or municipality may adopt  
10 relevant supplemental criteria for determining bidder responsibility  
11 applicable to a particular project which the bidder must meet.

12 (a) Supplemental criteria for determining bidder responsibility,  
13 including the basis for evaluation and the deadline for appealing a  
14 determination that a bidder is not responsible, must be provided in  
15 the invitation to bid or bidding documents.

16 (b) In a timely manner before the bid submittal deadline, a  
17 potential bidder may request that the state or municipality modify  
18 the supplemental criteria. The state or municipality must evaluate  
19 the information submitted by the potential bidder and respond before  
20 the bid submittal deadline. If the evaluation results in a change of  
21 the criteria, the state or municipality must issue an addendum to the  
22 bidding documents identifying the new criteria.

23 (c) If the bidder fails to supply information requested  
24 concerning responsibility within the time and manner specified in the  
25 bid documents, the state or municipality may base its determination  
26 of responsibility upon any available information related to the  
27 supplemental criteria or may find the bidder not responsible.

28 (d) If the state or municipality determines a bidder to be not  
29 responsible, the state or municipality must provide, in writing, the  
30 reasons for the determination. The bidder may appeal the  
31 determination within the time period specified in the bidding  
32 documents by presenting additional information to the state or  
33 municipality. The state or municipality must consider the additional  
34 information before issuing its final determination. If the final  
35 determination affirms that the bidder is not responsible, the state  
36 or municipality may not execute a contract with any other bidder  
37 until two business days after the bidder determined to be not  
38 responsible has received the final determination.

39 ~~((e) If the bidder has a history of receiving monetary penalties~~  
40 ~~for not achieving the apprentice utilization requirements pursuant to~~



1 ~~RCW 39.04.320, or is habitual in utilizing the good faith effort~~  
2 ~~exception process, the bidder must submit an apprenticeship~~  
3 ~~utilization plan within ten business days immediately following the~~  
4 ~~notice to proceed date.~~

5 (4)) (5) The capital projects advisory review board created in  
6 RCW 39.10.220 shall develop suggested guidelines to assist the state  
7 and municipalities in developing supplemental bidder responsibility  
8 criteria. The guidelines must be posted on the board's website.

9 NEW SECTION. **Sec. 3.** Section 1 of this act takes effect July 1,  
10 2026.

11 NEW SECTION. **Sec. 4.** Section 1 of this act expires July 1,  
12 2027.

13 NEW SECTION. **Sec. 5.** Section 2 of this act takes effect July 1,  
14 2027.

Passed by the House March 10, 2025.

Passed by the Senate April 7, 2025.

Approved by the Governor April 16, 2025.

Filed in Office of Secretary of State April 16, 2025.

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